

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Shenzhen Yihong Technology Co., Ltd.,

Plaintiff,

v.

dbest products, Inc.

Defendant.

Case No. 2:24-cv-02043

**JOINT STATUS REPORT AND
DISCOVERY PLAN**

JOINT STATUS REPORT AND DISCOVERY PLAN

Plaintiff Shenzhen Yihong Technology Co., Ltd. (“**Plaintiff**” or “**Yihong**”) and Defendant dbest products, Inc. (“**Defendant**” or “**dbest**”) submit this Joint Status Report and Discovery Plan in accordance with the Court’s Order dated January 27, 2025, Dkt. 17.

1. Nature and Complexity of the Case

Plaintiff’s Statement

This case is about whether Plaintiff Yihong’s product offerings of certain stackable storage drawer on Amazon infringed upon Defendant Dbest’s patent, bearing U.S. Patent No. 12,103,576 (the “**’576 Patent**”). On December 6, 2024, Plaintiff received a notice from Amazon.com, removing dozens of Plaintiff’s stackable storage drawer products due to alleged complaint of infringement of ’576 Patent by Defendant. Amazon also stated that it would need a court order allowing Plaintiff to sell the removed products before Amazon can reactivate the listings.

On December 11, 2024, Plaintiff Yihong filed this case seeking declaratory judgment of non-infringement upon Defendant’s ’576 Patent, and that Defendant’s ’576 Patent is invalid as it was rendered obvious by the prior art of a number of other patents or their combinations. Plaintiffs

1 further assert claims for tortious interference with contractual relations, and unfair competition in
2 violation of the Washington’s Consumer Protection Act, RCW 19.86.020 et seq.

3 **Defendant’s Statement**

4 This case is not a patent dispute, and the Complaint should be dismissed in its entirety
5 under Fed. R. Civ. P. 12(b)(1) and 12(b)(6).¹ Plaintiff Yihong initially filed this lawsuit seeking a
6 declaratory judgment of non-infringement and invalidity of U.S. Patent No. 12,103,576 (the “‘576
7 Patent”) in response to a notice submitted by Defendant dbest to Amazon.com. However, dbest
8 has since withdrawn its notice to Amazon and provided Plaintiff with an unconditional, irrevocable
9 covenant not to sue for infringement of the ‘576 Patent. As a result, there is no live controversy
10 regarding the ‘576 Patent, and this Court lacks subject matter jurisdiction over Plaintiff’s
11 declaratory judgment claims.
12

13
14 Plaintiff’s remaining claims—tortious interference with contract and unfair competition
15 under Washington’s Consumer Protection Act—are purely state law causes of action that do not
16 implicate patent law. Accordingly, proceeding under the Court’s proposed patent litigation
17 schedule would be inappropriate and inefficient. Given dbest’s pending Motion to Dismiss, dbest
18 respectfully requests that the Court postpone issuing a scheduling order until it has ruled on the
19 motion.
20

21
22 As detailed in the Motion to Dismiss, Plaintiff and its counsel did not attempt to engage
23 with dbest before initiating this lawsuit, despite Amazon’s takedown process encouraging direct
24 engagement with rights holders to seek a retraction. This is particularly concerning given that
25 Plaintiff’s counsel, Glacier Law LLP, has previously litigated against dbest in *Guangzhou Yucheng*
26

27
28 ¹ On February 21, 2025, Defendant dbest filed its Motion to Dismiss Complaint under Federal
Rules of Civil Procedure 12(b)(1) and 12(b)(6) (the “Motion to Dismiss”), which is noted for
consideration on March 21, 2025. (Dkt. # 20)

1 *Trading Co. v. dbest products, Inc.* No. 2:21-cv-04758-JVS-JDE (C.D. Cal.) and is familiar with
 2 dbest's counsel.² Despite this familiarity, Plaintiff's counsel opted for litigation rather than simple
 3 pre-litigation communication that would have promptly resolved the issue.

4 Plaintiff had a clear and direct path to seek resolution but chose litigation as its first resort.
 5 The Court should consider whether judicial resources should be expended on a case where no real
 6 controversy exists following dbest's covenant not to sue, particularly when early communication
 7 would have rendered this lawsuit unnecessary.
 8

9 **2. Proposed Deadline for Joining Additional Parties**

10 The parties propose 30 days after entry of the Scheduling Order in this case as the last day
 11 to join additional parties. However, dbest maintains that a scheduling order should not be issued
 12 until the Court resolves the pending Motion to Dismiss.
 13

14 **3. Assignment of the case to a Magistrate Judge**

15 The parties do not consent to assignment of this case to a full time United States Magistrate
 16 Judge.
 17

18 **4. Discovery Plan**

19 **A. Prompt Case Resolution**

20 The parties support prompt resolution of this case. The parties have exchanged settlement
 21 proposals but have been unable to reach an amicable resolution at this time. Further, in a good
 22 faith effort to resolve the matter, Defendant dbest voluntarily provided Plaintiff Yihong with an
 23 unconditional, irrevocable covenant not to sue for infringement of the '576 Patent. However, it is
 24 unlikely that the case will be resolved at least until the Court rules on the pending Motion to
 25
 26
 27

28 ² Indeed, not only are counsel in both cases the same, the *Guangzhou Yucheng* case remains ongoing due to post-trial briefing.

Dismiss. Plaintiff refutes that same resolves the need for declaratory relief or makes it whole for the improper actions already taken by Defendant dbest which are likely to reoccur in the future, presenting a justiciable controversy under the request for declaratory relief.

B. Alternative Dispute Resolution

The parties agree that early mediation in this case, under Local Civil Rule 39.1, would be beneficial to see if the parties can reach an amicable business resolution.

C. Related Cases

There are no related cases among the parties pending before this court or in another jurisdiction.

D. Initial Disclosures

The parties exchanged Rule 26(a)(1) initial disclosures on March 3, 2025.

E. Subjects, Timing, and Phasing of Discovery

Plaintiff's Statement

Plaintiff expects to conduct discovery requiring the production of documents, electronic materials, and things, interrogatories, requests for admission, and depositions. Plaintiff does not believe that discovery needs to be phased. Plaintiff does not believe that expert report deadlines should be staggered. Plaintiff reserves the right to move for a protective order should the need arise as the case proceeds.

Plaintiff proposes a discovery plan as detailed in the table accompanying section 19(A) below consistent with the local patent rules.

Defendant's Statement

Pursuant to Local Civil Rule 26(f)(D), to promote expeditious and inexpensive resolution of the case, Defendant dbest submits that discovery should not proceed until resolution of the

1 Motion to Dismiss. If discovery is necessary, it should be narrowly tailored to the remaining state
2 law claims and should not follow a patent litigation schedule.

3 To further promote efficiency and minimize costs during discovery, dbest proposes
4 presenting discovery disputes to the court by informal means, including via court conferences
5 under Section IV(D) of the Court's Order dated January 27, 2025 (Dkt. # 17), and requesting the
6 assistance of the magistrate judge for settlement conferences.
7

8 Pursuant to Local Civil Rule 26(f)(E), Defendant dbest anticipates seeking discovery on at
9 least the following topics:

- 10 • The factual basis for Plaintiff Yihong's state law claims;
- 11 • Plaintiff's internal communications concerning the removed ASINs and/or dbest;
- 12 Communications between Plaintiff and Amazon concerning the removed ASINs and/or
13 dbest;
- 14 • Communications between Plaintiff and other third parties concerning the removed
15 ASINs and/or dbest;
- 16 • Plaintiff's alleged contractual relationship with Amazon;
- 17 • Plaintiff's channels of trade, inventory, inventory returns and consumer reviews,
18 warehousing and distribution channels, costs, competition, among others; and
19 • Plaintiff's alleged damages claims and supporting financial records.

20 Defendant dbest believes that discovery should be phased into fact and expert. Given that
21 there is no patent dispute, Defendant dbest believes that neither party will submit technical reports.
22 However, Defendant dbest anticipates submitting a damages report to rebut any damages that
23 Plaintiff Yihong claims. Defendant dbest submits that a protective order should be entered in the
24
25
26
27
28

1 present case and will work with Plaintiff Yihong to submit an agreed proposed protective order
2 for the Court's consideration.

3 Defendant dbest proposes a discovery plan as detailed in the table accompanying section
4 19(B) below consistent with what the Court adopts for non-patent matters.
5

6 **F. Electronically Stored Information**

7 The parties will discuss in good faith the best way of addressing the timing and scope of
8 exchange of relevant electronically stored information ("ESI"). Defendant does not see a need for
9 adopting any ESI agreements or requesting issuance of any ESI orders at this time. The parties
10 will submit a stipulated ESI discovery agreement along with a protective order should the need
11 arise as the case proceeds.
12

13 **G. Privilege Issues**

14 The parties agree that they will not be required to log privileged documents created on or
15 after December 11, 2024, the date upon which Plaintiff commenced its action against Defendant.
16 The parties have not identified any issues relating to claims of privilege or of protection as trial-
17 preparation materials and will negotiate in good faith to resolve any such issues that may arise.
18 The parties agree to the claw-back procedure under Rule 26(b)(5)(B) for any mistakenly produced
19 material subject to a claim for privilege or work-product protection.
20

21 **H. Proposed Limitations on Discovery**

22 The parties believe that the limitations on discovery provided by the Federal Rules of Civil
23 Procedure are appropriate in this case. But the parties reserve the right to move for an order to
24 increase or limit the amount, scope, and timing of any such discovery should increases or
25 limitations become necessary as the case proceeds.
26

27 **I. Discovery Prior to Disclosures Required by LPR 120**

28

Plaintiff's Statement

Plaintiff submits that discovery should be allowed before the disclosures required by Local Patent Rule W.D. Wash. LPR 120.

Defendant's Statement

As explained above, this case is not a patent dispute, and there is a pending Motion to Dismiss the patent declaratory judgment claims under Fed. R. Civ. P. 12(b)(1) for lack of subject matter jurisdiction and the state law claims under Fed. R. Civ. P. 12(b)(6) for failure to state a claim. Defendant dbest reiterates that to promote expeditious and inexpensive resolution of the case, discovery should not proceed until resolution of the pending Motion to Dismiss. If discovery is necessary, it should be narrowly tailored to the remaining state law claims and should not follow the Local Patent Rules or a patent litigation schedule.

5. The case name, case number, and court or other tribunal for any pending or prior action challenging the patent(s) at issue in the case.

Defendant dbest submits that this is not applicable because this is not a patent case. Plaintiff disagrees.

6. Proposed modifications of the deadlines provided for in the Local Patent Rules.

Defendant dbest submits that this is not applicable because this is not a patent case. Plaintiff disagrees and submits the proposed discovery plan, as outlined in the table accompanying Section 19(A) below, consistent with this Court's Order dated January 27, 2025. Dkt. No. 17.

7. Confidentiality Concerns

If discovery proceeds, the parties anticipate the exchange of confidential information and will work together to submit a stipulated protective order by May 3, 2025.

1 **8. Whether and/or When a Tutorial Might be Scheduled to Assist the Court to**
2 **Understand the Underlying Technology.**

3 Defendant dbest submits that this is not applicable because this is not a patent case and
4 there is no need for a claim construction hearing. Plaintiff defers to the Court to decide whether a
5 technical tutorial would be helpful to the Court in advance of the Claim Construction Hearing.
6

7 **9. Whether the Court Should Appoint an Expert to Hear and Make**
8 **Recommendations on Claim Construction Issues.**

9 Defendant dbest submits that this is not applicable because this is not a patent case and
10 there is no need for resolving any claim construction issues. Plaintiff does not believe that an expert
11 is necessary to hear and make recommendations on claim construction issues, but reserves the right
12 to request one depending on the course of discovery.
13

14 **10. Phasing Motions**

15 Defendant filed a Motion to Dismiss on February 21, 2025. Dkt. No. 20.

16 Defendant submits that the Court should resolve this motion before considering further
17 motions or scheduling claim construction. Plaintiff disagrees.
18

19 The parties reserve the right to file dispositive motions depending on how discovery
20 proceeds.
21

22 **11. Nature of the Claim Construction Hearing**

23 Defendant dbest submits that this is not applicable because this is not a patent case, and,
24 thus, there is no need for a claim construction hearing or resolving any claim construction issues.
25 Plaintiff disagrees and submits that the Claim Construction Hearing will be an evidentiary hearing
26 where testimonies will be taken.
27

28 **12. Bifurcation**

1 The parties do not believe bifurcation is warranted in this case.

2 **13. Other Suggestions for Shortening or Simplifying the Case**

3 The most efficient path forward is for the Court to rule on the Motion to Dismiss before
4 scheduling any further proceedings.
5

6 **14. Jury or Non-Jury Trial**

7 The parties request a jury trial.

8 **15. Number of Trial Days**

9 The parties estimate that the trial will last approximately three to four (3-4) court days.
10

11 **16. Trial Counsel**

12 The names, addresses, and telephone numbers of all trial counsel are listed below as
13 undersigned counsel.

14 **17. Service**

15 Defendant waived service of summons on January 13, 2025 (Dkt. No. 14). The parties
16 agree that they shall serve all documents not filed using the Court's Case Management/Electronic
17 Case Filing System by email. If service is not feasible or is unpractical by email the parties will
18 confer prior to the deadline to arrange and agree to a reasonable alternative such as a link to cloud
19 based storage or through an FTP. All deadlines shall be calculated from the date and time zone of
20 the Western District of Washington.
21

22 **18. Scheduling Conference**

23 The parties request a scheduling conference with the Court before a scheduling order is
24 entered. If the Court elects to set a scheduling conference, Defendant dbest would explain why the
25 Local Patent Rules should not apply to this case and why, in the interest of judicial economy and
26 efficiency, the Motion to Dismiss should be decided before the Court issues a scheduling order.
27
28

19. Proposed Preliminary Case Schedule

A. Plaintiff's Proposed Case Schedule:

Event	Proposed Deadline
Deadline to join additional party	30 days after entry of Scheduling Order
Scheduling Order or Conference.	At the Court's convenience
Deadline to Add Inequitable Conduct Allegations without Leave of Court	45 days after Scheduling Conference
Defendant to serve Preliminary Infringement Contentions and Disclosure of Asserted Claims (LPR 120)	45 days after Scheduling Conference
Plaintiff to serve Preliminary Non-Infringement and Invalidity Contentions (LPR 121) and accompanying Document Production (LPR 122)	65 days after Scheduling Conference
Exchange of proposed claim terms	95 days after Scheduling Conference
Exchange of preliminary claim constructions	95 days after Scheduling Conference
Joint claim construction and prehearing statement	140 days after Scheduling Conference
Completion of claim construction discovery	190 days after Scheduling Conference
Parties opening claim construction briefs	195 days after Scheduling Conference
Parties submit Responsive Claim Construction Briefs	210 days after Scheduling Conference
Claim Construction Hearing	At direction of Court.
Claim Construction Order	At direction of Court.
Parties to conduct mediation	30 days after Claim Construction Order
Reliance on Opinion of Counsel	30 days after Claim Construction Order
Close of fact discovery	60 days after Claim Construction Order
Parties to Exchange Initial Expert Reports	90 days after Claim Construction Order
Parties to Exchange Rebuttal Expert Reports	120 days after Claim Construction Order
Close of Expert Discovery	150 days after Claim Construction Order
Parties to file Case Dispositive and/or <i>Daubert</i> Motions	180 days after Claim Construction Order
Parties to conduct mediation	210 days after Claim Construction Order
Tutorial	At direction of Court
Pretrial Conference	At direction of Court
Trial	At direction of Court

B. Defendant's Proposed Case Schedule

Because there is no active patent dispute, there is no case or controversy as to any patent claim. As such, Defendant dbest requests the Court to adopt the following schedule based on The Hon. Judge Evanson's Chambers Procedures for Civil Cases (Updated December 2, 2024).

Event	Date
TRIAL SET FOR 9:30 am on __	16 months after entry of Scheduling Order
Length of trial	3-5 days
Deadline for joining additional parties	28 days after entry of Scheduling Order
Deadline for filing amended pleadings	56 days after entry of Scheduling Order
Disclosure of expert testimony under FRCP 26(a)(2) due	7 months prior to Trial
All motions related to discovery must be filed by	6 months prior to Trial
Discovery must be completed by	5 months prior to Trial
All dispositive motions and motions challenging expert witness testimony must be filed by this date (see LCR 7(d)). Such motions must be noted for consideration no later than 28 days after this date (see LCR 7(d)).	4 months prior to Trial
Settlement conference, if mediation has been requested by the parties per LCR 39.1, held no later than	2 months prior to Trial
Proposed jury instructions and agreed LCR 16.1 Pretrial Order due, including exhibit list with completed authenticity, admissibility, and objections fields	21 days prior to Trial
Trial briefs, joint brief on motions in limine, proposed voir dire questions, and deposition designations due	14 days prior to Trial
Pretrial conference	TBD

20. Disclosure Statements

Plaintiff filed its Corporate Disclosure Statement on December 11, 2024 (Dkt. No. 2).
Defendant filed its Corporate Disclosure Statement on February 20, 2025 (Dkt. No. 18).

21. The undersigned counsel hereby certify that he/she has reviewed the Civil Rules, the Local Rules, the applicable Electronic Filing Procedures, and The Hon. Judge Evanson's Chambers Procedures for Civil Cases.

22. The undersigned counsel hereby certify that he/she has reviewed and complied with
The Hon. Judge Evanson's Standing Order Regarding 28 U.S.C. § 455(b)(2) and Canon 3(C)(1)(b)
of the Code of Conduct for United States Judges.

GLACIER LAW LLP

Date: March 10, 2025

/s/ Tianyu Ju u
Tianyu Ju, Esq. (Admitted *pro hac vice*)
iris.ju@glacier.law
251 South Lake Ave Suite 910
Pasadena, California 91101
Telephone: (312) 448-7772

**LAW OFFICE OF CARL J. MARQUARDT
PLLC**

Carl J. Marquardt (WSBA No. 23257)
1126 34th Avenue, Suite 311
Seattle, WA 98122
Tel: (206) 388-4498
Email: carl@cjmlawoffice.com
Attorneys for Plaintiff

POTOMAC LAW GROUP, PLLC

Date: March 10, 2025

By: /s/ William D. Fisher
William D. Fisher, WSBA No. 27475
1455 NW Leary Way, Suite 400
Seattle, WA 98107
Phone: (202) 558-5557
Email: wfisher@potomacclaw.com

Ehab M. Samuel (pro hac vice pending)
ORBIT IP, LLP
620 Newport Center Drive, Suite 1100
Newport Beach, CA 92660
Phone: (310) 887-1333
Email: esamuel@orbitip.com

Attorneys for Defendant dbest products, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on March 10, 2025, I electronically filed the above document with the United States District Court of the Western District of Washington, via its ECF e-filing System, which will serve a true and correct copy on all counsel of record.

/s/ Tianyu Ju
Tianyu Ju